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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION**

LD, et al.,

Plaintiffs,

v.

United Behavioral Health, Inc., et al.,

Defendants.

Case No. 4:20-cv-02254-YGR-JCS

**Joint Stipulation and [Proposed] Order  
Pursuant to Court's December 13, 2023  
Directive re: Scheduling Renewed Motion  
for Class Certification**

Hon. Yvonne Gonzalez Rogers

Third Amended Complaint filed: August 10,  
2021

Plaintiffs LD, DB, BW, RH and CJ, United Behavioral Health and UnitedHealth Insurance Company (“United Defendants”) and MultiPlan, Inc. (“MultiPlan”), collectively the “Parties” to the above-entitled action, having met and conferred through counsel regarding the matters set forth herein, jointly submit this stipulation pursuant to this Court’s directive during the December 13, 2023 Further Case Management Conference.

On December 13, 2023, this Court held an in-person Further Case Management Conference with the Parties. In that conference, the Court directed the Parties to meet and confer to propose scheduling on a renewed motion for class certification.

Pursuant to that directive, the Parties have met and conferred and respectfully request that the Court enter the below briefing schedule for Plaintiffs’ renewed motion for class certification:

<u>Event</u>	<u>Deadline</u>
Parties Exchange Expert Designation for Class Certification (including Plaintiffs’ rebuttal experts, if any)	January 18, 2024
Plaintiffs’ Renewed Motion for Class Certification and Expert Reports	January 25, 2024
Deadline for Depositions of Plaintiffs’ Experts	February 22, 2024
Defendants’ Response to Renewed Motion for Class Certification and Expert Reports	March 14, 2024 <sup>1</sup>
Deadline for Depositions of Defendants’ Experts	April 4, 2024
Deadline for Plaintiffs’ Reply in Support of Renewed Motion for Class Certification	April 25, 2024
Deadline for Depositions of Plaintiffs’ Rebuttal Experts, if any	May 9, 2024
Hearing on Renewed Motion for Class Certification	May 22, 2024 at 2:00 pm

The Parties further respectfully request that: (1) all other deadlines be taken off calendar pending the Court’s ruling on Plaintiffs’ to-be-filed renewed motion for class certification; and (2) the Court hold a status conference within 14 days of its ruling on the to-be-filed renewed motion for class certification.

<sup>1</sup> This deadline assumes that Plaintiffs’ opening class expert reports will be substantially similar to their expert reports already filed or served in this case. If Plaintiffs serve opening reports that are not substantially similar, Defendants may seek an extension to this deadline.

The Parties also agree that once the Court enters a new order including a briefing schedule for Plaintiffs' to-be-filed renewed motion for class certification, Plaintiffs will withdraw: (1) Plaintiffs' pending interlocutory appeal of the Court's denial of their original motion for certification (*see* Dkts. 168, 301, 307; No. 23-80032 (9th. Cir.), ECF No. 1); (2) Plaintiffs' Admin Motion for Leave to File Renewed Motion for Class Certification (Dkt. 323); and (3) Plaintiffs' Admin Motion to Modify Scheduling Order (Dkt. 379). Given Plaintiffs' representation that they will not rely in any way on the testimony of Thomas Ralston at the class certification stage, Defendants will withdraw their Administrative Motion Regarding Deposition of Thomas Ralston Pursuant to the Court's Statements at the January 27, 2023 Hearing (Dkt. 344). Plaintiffs reserve all rights to use Thomas Ralston's testimony at a later stage of the case and Defendants reserve all rights to seek Thomas Ralston's deposition at a later stage of the case.

**It is so stipulated.**

Dated: December 18, 2023

Respectfully submitted,

Gibson, Dunn & Crutcher LLP

By: /s/ Lauren M. Blas

Lauren M. Blas

Attorneys for Defendants United Behavioral Health and  
United Healthcare Insurance Company

Dated: December 18, 2023

Phelps Dunbar LLP

By: /s/ Errol J. King, Jr.

Errol J. King, Jr.

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Dated: December 18, 2023

Arnall Golden Gregory LLP

By: /s/ Matthew M. Lavin

Matthew M. Lavin

Attorneys for Plaintiffs

Dated: December 18, 2023

DL Law Group

By: /s/ David Lilienstein

David Lilienstein

Attorneys for Plaintiffs

**[PROPOSED] ORDER**

Having considered the Parties' Joint Stipulation and [Proposed] Order, the Court  
HEREBY ORDERS as follows and sets the following schedule:

<u>Event</u>	<u>Deadline</u>
Parties Exchange Expert Designation for Class Certification (including Plaintiffs' rebuttal experts, if any)	January 18, 2024
Plaintiffs' Renewed Motion for Class Certification and Expert Reports	January 25, 2024
Deadline for Depositions of Plaintiffs' Experts	February 22, 2024
Defendants' Response to Renewed Motion for Class Certification and Expert Reports	March 14, 2024 <sup>2</sup>
Deadline for Depositions of Defendants' Experts	April 4, 2024
Deadline for Plaintiffs' Reply in Support of Renewed Motion for Class Certification	April 25, 2024
Deadline for Depositions of Plaintiffs' Rebuttal Experts, if any	May 9, 2024
Hearing on Renewed Motion for Class Certification	May 22, 2024 at 2:00 pm

All other deadlines from this Court's June 23, 2023 Scheduling and Pretrial Order (Dkt. 319) (as previously modified) are taken off calendar until such time as the Court rules on Plaintiffs' to-be-filed renewed motion for class certification. The Court will hold a status conference within 14 days of its ruling on the renewed motion for class certification.

Plaintiffs shall withdraw: (1) Plaintiffs' pending interlocutory appeal of the Court's denial of their original motion for certification (*see* Dkts. 168, 301, 307; No. 23-80032 (9th Cir.), ECF No. 1); (2) Plaintiffs' Admin Motion for Leave to File Renewed Motion for Class Certification (Dkt. 323); and (3) Plaintiffs' Admin Motion to Modify Scheduling Order (Dkt. 379). Given Plaintiffs' representation that they will not rely in any way on the testimony of Thomas Ralston at the class certification stage, Defendants will withdraw their Administrative Motion Regarding Deposition of Thomas Ralston Pursuant to the Court's Statements at the

<sup>2</sup> This deadline assumes that Plaintiffs' opening class expert reports will be substantially similar to their expert reports already filed or served in this case. If Plaintiffs serve opening reports that are not substantially similar, Defendants may seek an extension to this deadline.

January 27, 2023 Hearing (Dkt. 344). Plaintiffs reserve all rights to use Thomas Ralston's testimony at a later stage of the case and Defendants reserve all rights to seek Thomas Ralston's deposition at a later stage of the case.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

DATE: \_\_\_\_\_ Hon. Yvonne Gonzalez Rogers

**ATTESTATION PURSUANT TO LOCAL RULE 5-1**

I am the ECF user whose identification and password are being used to file this document. Pursuant to Civil Local Rule 5-1(i)(3), I hereby attest that concurrence in the filing of this document has been obtained from the other signatories hereto.

Dated: December 18, 2023

/s/ Matthew M. Lavin

Matthew M. Lavin